

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA

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DANIEL SANDERS
PLAINTIFF

VS.

TROY KING,
BOB RILEY,
RICHARD ALLEN
DEFENDANTS

CASE NO. 2:06cv361-wkw

PLAINTIFF'S OBJECTION TO MAGISTRATE RECOMMENDATION

Sanders is a inmate housed in Bibb Correction Facility, a State of Alabama Prison Facility. Sanders pursuant to 42 USC Section 1983 has filed a clear Constitutional violation which exist in Alabama Statute of law governing CIT Good Time. The Magistrate has recommend that this cause be transferred to the Northern District of Alabama for service and proceedings. Sanders fully objects to the recommendation, and says the following in support :

1. Sanders has not filed avering that he is denied CIT Good Time. In other words, the Magistrate has twisted just exactly what Sanders Civil Rights violation states. Sanders and all inmates Citizens of Alabama have a legal right not to be placed under equal protection violation by a Statute of Law.

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2. 14-9-41(e) clearly states that inmates with 15 years and less and who do not have a Class A felony offense can earn CIT Good Time.

3. Sanders says that ACT 80-446 clearly says that No Habitual Felony Offender can earn CIT Good Time.

4. 14-9-41(e) for all inmates who have 15 year sentence, and comes under Class C and Class B who are Habitual Offenders, these inmates are Habitual Offenders and prohibited from earning CIT Good Time, by ACT 80-446.

5. Sanders under the 14th Amendment has a Constitutional violation which exist in the Statute itself and which discriminates to all inmates by, segregation, and discrimination.

6. Sanders claim can't be twisted to Sander's request for CIT Good Time where nothing in the Civil Rights complaint states Sanders denial of CIT Good Time at all, nor is the relief centered to awarding CIT Good Time.

7. Sanders seeks a full show cause under discrimination that exist by Statute which is clearly unconstitutional on it's face.

8. Awarding certain Habitual Offenders CIT Good Time and discriminating against others, Sanders says this Constitutional violation has resulted in triple prison overcrowding, that has lead to the very continuation of Federal United States

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Constitutional violations. The Honorable Magistrate Judge has not made the basis of this Civil Rights violation known before the Judge for review.

FEDERAL CONSTITUTIONAL VIOLATIONS WHICH EXIST

1. This Court has held in the past, that 42 USC Section 1983 grants a full remedy. BROUGHTON V. BREWER, 298 F.Supp. 260 (S.D. Ala. 1969), Where a 3 panel Judge found the State law to be unconstitutionally vague.
2. Sanders has an equal protection claim. See FLOWERS V. WEBB, 575 F. Supp. (1983). Due process interest in liberty is fundamental right, within rule that there is violation of equal protection where classification deprives group of persons of fundamental right.
3. Sanders has established that he has a clear Constitutional right invested by these United States. Sanders and all others coming under a Statute of Alabama law to which is in violation of the 4th, 1st, and 14th Amendments have a stand to challenge the Government Officials who are responsible for the Statute, and the exact Constitutional violations which violates these United States Constitution.

(A). In PENN V. CITY OF MONTGOMERY, ALA. , 381 F.3d 1059 (11th Cir. 2004) Section 1983 looked into the exact language of the Statute. The Court's looking in the actual language was the basis of the ruling which was entered. In Sanders

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claims, Sanders has cited the very Constitutional violations by very language of CIT Good Time and how discrimination exist by language itself.

4. Sanders further cites under the Civil Rights violations that Governor Bob Riley and other Defendants have taken full responsibility for Former Governor Fob James contract agreement to which this Court is bound by under the United States Constitution to have complied with. NEWMAN V. GRADDICK, SUPRA.

There is no reason this Court can say that Sanders claim seeks to undermine his conviction, where Alabama CIT Good Time Statute is a Constitutional violation by words, and based on the language, and purpose of the ACT 80-446. Sanders Constitutional United States Violation are issues which must be settled under Civil Rights violations.

5. Sanders has a claim under Declaratory Judgment which must be issued and proper review given in Federal Court. The Statute is unconstitutional, and must be declared to be in violation of these United States Constitution 14th Amendment, under the equal protection violations which exist.

VENUE OF ACTION PENDING

1. Sanders has not one single issue which deals with Bibb Correction Facility, nor any other specific Alabama Prison

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to which Sanders could be housed at.

2. Defendants listed in this action are located in Montgomery County, Alabama.

3. Alabama Legislatures are located in Montgomery County, Alabama.

4. Kilby Correction Facility is Alabama Facility for all inmates of Alabama Prison for transfer purposes. Therefore Sander and any other inmate has full standing to challenge the unconstitutional Statute, and the language used by the Statute in the Middle District Of Alabama.

The recommendation by the Magistrate is totally contrary to what Sanders seek under 42 USC Section 1983, and the Declaratory Judgment which has been requested in relief.

Respectfully

Daniel Sanders II 141012
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